

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ludmila Cherkasova	§	Art Unit:	2141
		§		
Serial No.:	10/601,357	§		
		§	Examiner:	Kenneth R. Coulter
Filed:	June 23, 2003	§		
		§		
For:	System and Method for	§	Atty. Dkt. No.:	200311047-1
	Managing a Shared Streaming	§		(HPC.0548US)
	Media Service	§		
		§		

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Commissioner for Patents

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REPLY BRIEF

Sir:

The following sets forth Appellant's Reply to the Examiner's Answer dated February 25, 2008.

I. REPLY TO EXAMINER'S ANSWER REGARDING CLAIMS 1, 2-4, 7, 9, 10

In the Examiner's Answer, the Examiner cited a new passage of Jackson, ¶ [0396], which was not previously cited against claim 1 in the final rejection. 2/25/2008 Examiner's Answer at 12-13. This passage of Jackson refers to "logical volume management algorithms" used by different processing engines. However, the Examiner provides no explanation regarding how an algorithm to manage a logical volume has anything to do with the following claimed subject matter: "using a segment-based memory model to determine whether at least a portion of the requested streaming file is in the memory."

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I hereby certify that this correspondence is being electronically transmitted to the U.S. Patent Office on the date indicated above.

Ginger Yount
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Therefore, the citation of this new paragraph, ¶ [0396], of Jackson does not resolve the defective § 102 rejection.

II. REPLY TO EXAMINER'S ANSWER REGARDING DEPENDENT CLAIM 6

Dependent claim 6 further recites that a cost associated with one of the hosting services is determined from the segment-based memory model. The Examiner cited to a new passage, ¶ [0293], of Jackson not previously cited against this claim. 2/25/2008 Examiner's Answer at 14. This passage of Jackson refers to service differentiation objectives that include a differentiation based on quality/cost plan. However, differentiating based on quality/cost plan has nothing to do with determining a cost associated with a hosting service **from the segment-based memory model**, as recited in claim 6.

Therefore, dependent claim 6 is further allowable for the foregoing reason.

III. REPLY TO EXAMINER'S ANSWER REGARDING DEPENDENT CLAIM 8

In the Examiner's Answer, the Examiner quoted ¶ [0240] of Jackson as purportedly disclosing the following subject matter of dependent claim 8:

performing a performance isolation guarantee check for the plurality of hosting services to determine whether acceptance of the new request will violate, at any point **in the future**, availability of a desired amount of usage of the shared resources for any of the plurality of hosting services.

Paragraph [0240] of Jackson refers to rejecting a request for content when the identified required resources are not immediately available or will not be available within a specified period of time. This teaching of Jackson refers to determining whether a resource is available or will soon be available in making a decision of whether or not to reject a request.

However, such teaching is different from performing a performance isolation guarantee check for the plurality of hosting services to determine whether acceptance of the new request will violate, at any point **in the future**, availability of a desired amount of usage of shared resources for any of the plurality of shared resources.

Therefore, the anticipation rejection of claim 8 is defective is further defective for the foregoing reason.

IV. CONCLUSION

For the foregoing reasons, and in view of the arguments presented in the Appeal Brief, reversal of all final rejections is respectfully requested.

Respectfully submitted,

Date: _____

4/25/2008



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